

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

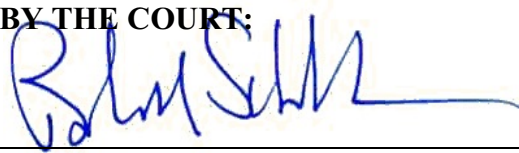
<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CRIMINAL ACTION</b>
<b>v.</b>	:	
	:	<b>No. 10-776</b>
<b>MAMADOU BARRY</b>	:	

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of **January, 2012**, upon consideration of Defendant's Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29, New Trial Pursuant to Federal Rule of Criminal Procedure 33, and Post-Conviction Dismissal, the Government's response thereto, and the parties' supplemental briefs, following a hearing conducted on December 7, 2011, and for the reasons stated in this Court's Memorandum dated January 25, 2012, it is hereby **ORDERED** that:

1. Defendant's Motion for New Trial Pursuant to Federal Rule of Criminal Procedure 33 (Document No. 41) is **GRANTED**.
2. Defendant is **GRANTED** a new trial on Count Two (49 U.S.C. § 46507).

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', written over a horizontal line.

**Berle M. Schiller, J.**